

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:10-CR-027-B
	§	
JACK ZIMMERMAN	§	

FACTUAL RESUME

Jack Zimmerman (Zimmerman), the defendant, David R. Scoggins, the defendant's attorney, and the United States of America (the government) agree to the law and facts as follows:

ELEMENTS OF THE OFFENSE

Count One
Enticement of a Minor
(Violation of 18 U.S.C. § 2422(b))

In order to establish the offense alleged in Count One of the indictment, the government must prove the following elements beyond a reasonable doubt:

- First: That the defendant knowingly used a facility or means of interstate commerce, that is, the telephone or the Internet, to persuade, induce, entice, or coerce an individual under the age of eighteen (18) to engage in sexual activity;
- Second: That the defendant believed that such individual was less than eighteen (18) years of age; and
- Third: That the defendant could have been charged with a criminal offense for engaging in the specified sexual activity.

Count Two
Production of Child Pornography
(Violation of 18 U.S.C. §§ 2251(a) and (e))

In order to establish the offense alleged in Count Two of the indictment, the government must prove the following elements beyond a reasonable doubt:

- First: That the defendant employed, used, persuaded, or coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct;
- Second: That at the time of the offense, the minor was under the age of eighteen years; and
- Third : That the visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce and/or affecting interstate or foreign commerce.

STIPULATED FACTS

The stipulated facts that support the defendant's plea of guilty to Count One and Count Two of the indictment are as follows:

1. From in or about November 1, 2009 through on or about December 11, 2009, in the Dallas Division of the Northern District of Texas, and elsewhere, Jack Zimmerman, defendant, used a cellular telephone and the Internet, a facility of interstate and foreign commerce, to knowingly persuade, induce and entice, and attempted to knowingly persuade, induce and entice, Jane Doe, an individual who had not attained the age of 18 years, to engage in sexual activity for which the defendant could be charged with a criminal offense, specifically a violation of Sec. 22.011, Texas Penal Code, that is,

Sexual Assault of a Child, which makes it a crime to intentionally and knowingly engage in sexual intercourse, and other enumerated sex acts, with a child under 17 years of age, in violation of 18 U.S.C. § 2422(b).

2. On or about November 13, 2009, in the Dallas Division of the Northern District of Texas, and elsewhere, Jack Zimmerman, defendant, used, persuaded, induced and enticed, and attempted to use, persuade, induce and entice, Jane Doe, a person under the age of eighteen (18) years, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which were produced using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, by using a Motorola cellular phone to create visual depictions of Jane Doe, a minor who was then 14-years old, depicting Jane Doe and the defendant, an adult male who was then 56-years old, engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, including the videos described below:

File Name	Description
091113_065917.3gp	Video depicting Jane Doe engaged in vaginal sexual intercourse with an adult male
091113_065654.3gp	Video depicting Jane Doe performing oral sexual intercourse on an adult male

All in violation of 18 U.S.C. §§ 2251(a) and (e).

3. More specifically, Zimmerman admits and agrees that in November 2009, he met

Jane Doe in an Internet chat room at chatango.com. On chatango.com, Zimmerman admits he created and posted a profile that described him as "Jeff367," an 18-year old male from Dallas, Texas. Zimmerman agrees and admits that he is actually 56-years old. Zimmerman further admits and acknowledges that he "chatted" with Jane Doe as "Jeff367" via the Internet and cellular telephone and ultimately persuaded Jane Doe to meet him in person in Irving, Texas. In November, 2009, Zimmerman arranged to meet Jane Doe in Irving, Texas where he engaged in sexual acts with her inside of his van. Zimmerman further admits and acknowledges that he knew Jane Doe was only 14-years old at the time.

4. Zimmerman admits that he continued to talk to and text Jane Doe, via his cellular phone, and by which he persuaded Jane Doe to meet him on multiple occasions to engage in sexual activity inside his van. During their sexual encounters inside his van, including November 13, 2009, November 30, 2009, December 2, 2009, December 3, 2009, and December 7, 2009, Zimmerman admits that he took videos and photographs depicting him and Jane Doe engaged in sexually explicit conduct, including vaginal sexual intercourse and oral sexual intercourse, with his Motorola cellular phone and his Polaroid i1236 digital camera.

5. Zimmerman agrees and acknowledges that in all, he produced approximately 18 still images and three videos of Jane Doe that depicted her engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, including masturbation, oral sexual intercourse

(with Zimmerman), and vaginal sexual intercourse (with Zimmerman). Zimmerman also agrees and admits that on or about December 11, 2009, and after having knowingly and voluntarily waived his *Miranda* rights, he admitted to Irving Police Detective Stephen Lee that he had been engaged in a sexual relationship with Jane Doe, despite knowing that she was only 14-years old, and that there would be photographs of her “riding” him and masturbating on his digital camera and cellular phone.

6. Zimmerman agrees and acknowledges that the cellular phone and memory card he used to create the visual depictions of Jane Doe were not manufactured in the State of Texas, and therefore, he acknowledges that the images of Jane Doe were produced using materials that were mailed, shipped, or transported in interstate or foreign commerce and in or affecting interstate or foreign commerce. Zimmerman acknowledges that his cellular phone and the Internet are both facilities of interstate and foreign commerce.

7. Zimmerman also acknowledges that it is a crime in the State of Texas, specifically a violation of Sec. 22.011, Texas Penal Code, that is, Sexual Assault of a Child, to knowingly engage in sexual intercourse, and other enumerated sex acts, with a child under 17 years of age.

AGREED TO AND SIGNED this 24th day of May 2010.

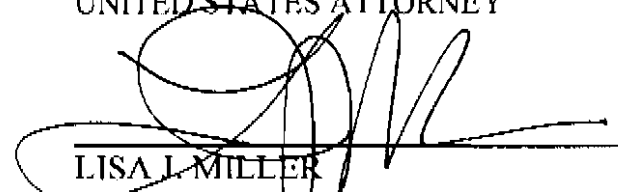


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